

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THOMAS A. EAMES, ROBERTA L.)
EAMES, and TAMMY EAMES, on behalf)
of themselves and all others similarly)
situated,)

Plaintiffs,)

v.)

NATIONWIDE MUTUAL INSURANCE)
COMPANY,)

Defendant.)

Civil Action No. 04-1324-KAJ

ORDER

For the reasons set forth in the Memorandum Opinion issued in this matter today,

IT IS HEREBY ORDERED that the Motion to Dismiss (D.I. 3) is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs are granted leave to amend the Complaint, within 45 days, as to Counts IV and V, and that jurisdiction over Plaintiffs' Motion for Adoption and Supplementation of the Special Discovery Master's Report and Recommendation (D.I. 142) is retained.


UNITED STATES DISTRICT JUDGE

February 2, 2006
Wilmington, Delaware